IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.MC.No. 3984 of 2006()

CP.32/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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PETITIONER: ACCUSED

VENUGOPALA PILLAI,
S/O.VASUDEVAN PILLAI,
POONKUZHIYIL VEEDU, MEMANA MURI,
OACHIRA VILLAGE,
KARUNAGAPPALLY TALUK.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE INSPECTOR OF EXCISE RANGE
KARUNAGAPPALLY, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3984 OF 2006

Dated this the 7th day of December, 2006.

ORDER

I have gone through the petition. The petitioner faces indictment in a prosecution under Section 8(1) & (2) of the Kerala Abkari Act. Investigation is complete. Final report has been filed. Cognizance has been taken. The matter is pending before the learned Magistrate as C.P.No.32 of 2006. The petitioner was allegedly not aware of the proceedings initiated against him. Therefore he did not appear before the learned Magistrate. He finds himself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him. He is now willing and wants to surrender before the learned Magistrate, but he apprehends that the learned Magistrate may not grant bail to him. In these circumstances, it is prayed that directions may be issued under Section 482 Cr.P.C to the learned Magistrate to release the petitioner on bail when he appears before the learned Magistrate and applies for bail.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear

before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. In the result, this Crl.M.C is dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(**R.BASANT, JUDGE)**

rtr/